

**AFFIDAVIT/DECLARATION OF DR. MITCHELL KATZ
PURSUANT TO 28 U.S.C. § 1746**

I, Dr. Mitchell Katz do hereby verify and declare as follows:

1. My name is Dr. Mitchell Katz. I was hired by the defense to testify at Travis Mullis' trial in March of 2011. I was hired to testify about Travis' medical problems, the toxic intrauterine environment in which he developed, and the impact this had on his development. I have recently reviewed my testimony, the prosecutor's closing argument which references my testimony, and a few pediatric medical records for Travis Mullis.

2. I spoke to the prosecutor once on the phone prior to my trial testimony. While I do recall telling her that Travis did not belong in society, I absolutely did not mean to suggest that he was not fit to live inside a prison for the rest of his life or that he should receive the death penalty. I did not realize that the term "society" included prison society. I did not appreciate the significance of the term, nobody ever explained that to me.

3. The prosecutor completely twisted my statement around to serve her purposes. I was shocked and outraged after reading what she argued. It's egregious the way she took this one statement of mine out of context. I never meant to suggest, in any way, shape, or form that Travis was beyond repair, through treatment or medication, or that he was so "evil," as she put it, that he should get the death penalty, rather than a life of imprisonment.

4. What I told the prosecutor about Travis not belonging in society was nothing more

than my personal opinion. It was not my professional medical opinion. In fact I am not at all qualified to render a professional opinion on this issue, nor did I suggest that this was what I was doing. I am a medical doctor, and not a psychiatrist. I do not have the training, skills, or experience required to analyze someone's psychological make-up, make a DSM diagnosis, or suggest whether they can or cannot successfully be treated by mental health professionals. This is completely outside the realm of my expertise.

5. If I had been asked to clarify this statement of mine by Travis' attorney, Mr. Bourque, I would have explained exactly what I meant by this and clarified the context in which it was said. I would have also explained the limits of my expertise and made it clear that this isolated comment was my personal, not my professional opinion.

6. Travis' medical records show that he has presented with recurrent anal fissures and rectal bleeding. These types of medical problems are not at all associated with Travis' condition, necrotizing enterocolitis. While anal fissures and rectal bleeding can be the result of Crohn's Disease, an infection around the anus, or severe constipation, Travis did not suffer from any of these conditions. Anal fissures are generally indicative of anus manipulation; they are a reflection of trauma to that area of the body.

7. Travis' medical records also show that he was not potty trained until four years of age, which is much later than the average child. Given his history of rectal bleeding and anal fissures, this may have been another indicator of sexual abuse.

8. Mr. Bourque never asked me to opine about Travis' history of anal fissures, rectal bleeding, or late potty training. Had he inquired, I would have told him what I stated above.

9. I hereby certify that the facts set forth above are true and correct to the best of my personal knowledge, information, and belief, and that I make the statements above subject to the penalty of perjury, pursuant to 28 U.S.C. § 1746.



Dr. Mitchell Katz

Dated: 7/11/13

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Santa Barbara

On 07/11/13 before me, Carmen Estrada, Notary Public
(Here insert name and title of the officer)
 personally appeared Mitchell Hagen Katz

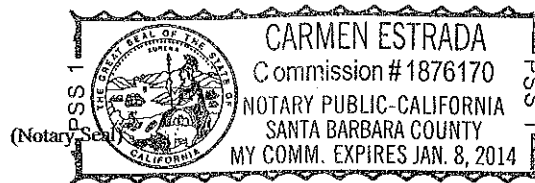
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

C Estrada

Signature of Notary Public



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